



**TOWN OF GREENWOOD
TOWN COUNCIL MEETING
100 W. Market Street
Wednesday, April 13, 2022 @ 6:30 P.M.**

APPROVAL OF MINUTES

1. Town Council Meeting Minutes March 9, 2022

POLICE

1. Verbal Report

TOWN MANAGER REPORT

1. Verbal Report – Janet Todd

OLD BUSINESS

NEW BUSINESS

1. Resolution to annex Morelli property
2. Ordinance A22A for approval with recommendations from Planning Commission
3. Employee handbook revisions for adoption
4. Discussion of proposed vacation carry over and comp time by Chief Thomas

EXECUTIVE SESSION

1. Executive session to discuss personnel matters in which the names, competency and abilities of an individual employee will be discussed
2. Discussion of possible litigation
(29 Del. C. & Sec.10004 (b)(9)).

RETURN TO OPEN SESSION

1. Discussion and possible action on matters discussed in executive session.

ADJOURNMENT

NOTES:

AGENDA SHALL BE SUBJECT TO CHANGE TO INCLUDE ADDITIONAL ITEMS (INCLUDING EXECUTIVE SESSIONS) OR THE DELETION OF ITEMS (INCLUDING EXECUTIVE SESSIONS), WHICH ARISE AT THE TIME OF THE MEETING. [29 Del. C. Sec.10004 (e)(3)].

ALL ITEMS ON THE COUNCIL MEETING AGENDA ARE SUBJECT TO A POTENTIAL VOTE.

AGENDA ITEMS MAY BE CONSIDERED OUT OF SEQUENCE.

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on April 6, 2022, at least seven (7) days in advance of the meeting.



TOWN OF GREENWOOD RESOLUTION 2022-04

WHEREAS, Marta Morelli (“the Applicant”), owner of certain real property located at 9343 Beach Highway, Greenwood, Delaware, which property is identified as 5-30-10.00-56.02, 5-30-10.00-55.00, 5-30-10.00-56.00, and 5-30-10.00-56.03 (collectively “the Property”), has filed with the Town of Greenwood a petition (“the Petition”) to annex the Property into the Town of Greenwood;

WHEREAS, the Property consists of 24 acres more or less as Parcel 5-30-10.00-56.02 consists of 1.61 acres more or less, Parcel 5-30-10.00-55.00 consists of 20.14 acres more or less, Parcel 5-30-10.00-56.00 consists of 1.31 acres more or less, and Parcel 5-30-10.00-56.03 consists of 1.22 acres more or less;

WHEREAS, the Property is contiguous to lands within the Town of Greenwood;

WHEREAS, the Applicant proposes to annex the Property to the Town and to zone the Property Highway Commercial (“HC”);

WHEREAS, on April ____, 2022, the Greenwood Town Council considered the Petition and, pursuant to Section 3 of the Town Charter, has accepted the Petition and to directs the Town to proceed under the annexation procedures as set forth in Section 3(b) of the Town Charter; and

AND NOW THEREFORE IT IS RESOLVED AS FOLLOWS:

1. The Greenwood Town Council will hold a public hearing on the Petition to annex the Property into the Town of Greenwood and to zone the Property Highway Commercial (“HC”). The public hearing will be held at Town Hall, 100 West Market Street, Greenwood, Delaware on _____, 2022, at _____ p.m. This resolution shall serve as notice to property owners and residents of the Town and the Property of said public hearing.
2. A qualified resident as defined under the Charter has a right to object to the Petition.
3. The Town will accept written comments regarding the Petition.
4. If the annexation is finally approved, the Town is not obligated to provide municipal services or extend municipal facilities or improvements unless and until the Town Council, in the sole exercise of its reasonable discretion, determines that it is appropriate for the Town to do so or the Applicant binds itself to any of the following as required by the Town:
 - a. To pay in full all costs and expenses, with reasonable surety acceptable to the

Town, to provide the municipal services; and

- b. To extend or construct the municipal facilities and improvements to serve such lands in strict accordance with all governing federal, State, and Town regulations and standards.

Adopted:

TOWN OF GREENWOOD
100 WEST MARKET STREET
P.O. BOX 216
GREENWOOD, DE 19950
302-349-4634
302-349-9332 FAX

PETITION FOR ANNEXATION

Fee \$2,000.00

Current Property Owner Information:

Current Owner Name(s)/Petitioner(s):

Marta J. Morelli

Mailing Address:

12748 Shawnee Road
Greenwood, DE 19950

Phone Number: 302-249-2341

Email Address: martamorelli@verizon.net

Contact Person: Marta Morelli

Property Information:

Sussex County Tax Map/Parcel Number: 5-30, 10.00 #52, 55, 56, 56.03

Property Location: 9343 Beach Highway, Greenwood, DE

Property Size/Dimension: +/- 24 Acres - (4) parcels

Current Zoning District: HC Highway Commercial AND AR-1 (Sussex Co.)

Proposed Zoning (if applicable): HC Highway Commercial

Current Property Use: Agriculture and (1) Single Family Dwelling

Proposed Property Use: Self-Storage

**** Please attach a Plot Plan of the described lands.**

Annexation is requested for the following reasons:

1. Change in use of property
2. _____
3. _____

I (We) would like to request annexation into the TOWN OF GREENWOOD FOR THE ABOVE PARCEL(S). I (We) certify that all the information and attached documentation provided by me in this Petition/Application is correct and I (We) further understand that a Public Hearing will not be scheduled until this Petition/Application is complete as determined by the GREENWOOD Administrative Official.

X Marta J Morelli, Trustee
Current Owner/Petitioner

dotloop verified
02/23/22 1:27 PM EST
NQZC-QJEX-HIRD-6OZU

Current Owner/Petitioner

Current Owner/Petitioner

Current Owner/Petitioner

FOR ANNEXATION COMMITTEE

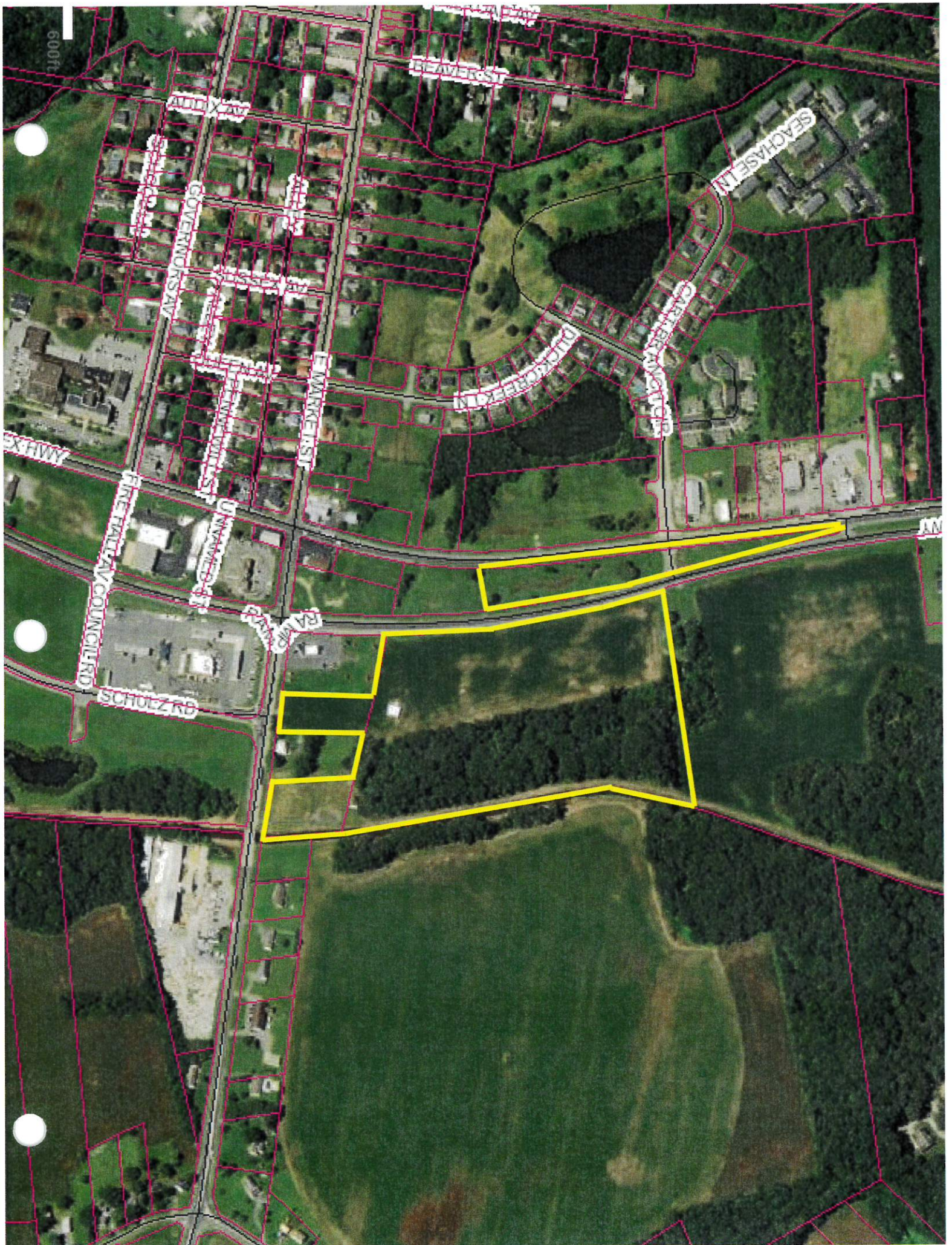
Approved/Date: _____

Chairperson, Annexation Comm.

Denied/Date: _____

Chairperson, Annexation Comm.

Chairperson, Annexation Comm.



Public Hearing Published: _____
Public Hearing: _____
Adopted: _____

ORDINANCE NO. A-22-A

AN ORDINANCE AMENDING ORDINANCE A-1 ("ZONING ORDINANCE") TO ALLOW PUBLIC STORAGE FACILITY USES AS A PERMITTED USE IN THE HIGHWAY COMMERCIAL ("HC") DISTRICT, TO REMOVE SELF-STORAGE FACILITY USES AS A CONDITIONAL USE IN THE DOWNTOWN COMMERCIAL DISTRICT ("DC"), TO AMEND THE USE CHART IN THE ZONING ORDINANCE, AND TO AMEND DEFINITIONS

WHEREAS, the Town of Greenwood is authorized to enact zoning regulations pursuant to 22 Del. C. Chapter 3 and Section 29(a)(3) of the Town Charter;

WHEREAS, Ordinance No. A-22 amended the Zoning Ordinance to allow self-storage facilities as conditional uses within the Downtown Commercial District;

WHEREAS, in the opinion of the Town Council of the Town of Greenwood, it is in the best interest of the public health, safety, and welfare to further amend the Zoning Ordinance to also allow public storage facilities as permitted uses subject to certain requirements in the Highway Commercial District of the Town of Greenwood but to remove self-storage facilities as conditional uses within the Downtown Commercial District;

WHEREAS, the Use Chart at the end of the Zoning Ordinance identifies certain uses that are permitted or require conditional use approvals in certain zoning districts and the Town Council of the Town of Greenwood has noticed discrepancies with the Use Chart and the Zoning Ordinance as it pertains to storage;

WHEREAS, in the opinion of the Town Council of the Town of Greenwood, the Use Chart in the Zoning Ordinance should be amended to accurately reflect the permitted and conditional uses in each zoning district pertaining to storage; and

WHEREAS, the Zoning Ordinance contains definitions of "self-storage facility" and "public storage facility" and the Town Council finds that the term "self-storage facility" is unnecessarily defined in the Code and should be stricken as it is similar to the definition of "public storage facility"

NOW THEREFORE, BE IT HEREBY ENACTED by the Town Council of the Town of Greenwood, a majority thereof concurring in Council duly met, that the Zoning Ordinance of the Town of Greenwood be amended as follows:

Section 1. Amend Article 3, Definitions, Section 3.1 ("Specific Definitions") by making deletions as shown by ~~strike through~~ as follows:

~~SELF-STORAGE FACILITY—One or more buildings in a controlled access area that contain varying sizes of individual, compartmentalized, and controlled compartments, rooms, spaces, containers, or other types of units that are individually rented, leased, or sold to customers for the storage of personal or business goods or wares. Also known as mini-storage facilities.~~

Section 2. Amend Section 6.4 (“Downtown Commercial District”), Section 6.4.3 (“Conditional Uses”) by making deletions as shown by strike through as follows:

- (14) ~~Self-storage facility, provided that the following requirements shall be met:~~
- ~~a. Only the picking up, depositing, and storing of goods shall be permitted on the property. No other non-storage uses shall be permitted.~~
 - ~~b. An office for managing the self-storage facility may be permitted on site.~~
 - ~~c. All storage shall be completely confined within enclosed buildings or structures.~~
 - ~~d. Evergreen vegetation shall be planted for screening purposes along all property lines abutting roadways or residential districts.~~
 - ~~e. Retail sales of any kind, including garage sales, estate sales, or auctions shall not be permitted.~~
 - ~~f. Self-storage facilities shall not be used to store flammable, perishable, or hazardous materials, or for the keeping of animals.~~
 - ~~g. All lighting on the property shall be installed and arranged in such a way that no lighting shines directly on any adjacent residential districts.~~

Section 3. Amend Section 6.5 (“Highway Commercial District”), Section 6.5.3 (“Permitted Uses”) by adding the following underlined language:

(35) Public storage facilities provided that the following requirements shall be met:

- a. Only the picking up, depositing, and storing of goods shall be permitted on the property. No other non-storage uses shall be permitted.
- b. An office for managing the self-storage facility may be permitted on site.
- c. All storage shall be completely confined within enclosed buildings or structures.
- d. Evergreen vegetation shall be planted for screening purposes along all property lines abutting roadways or residential districts.
- e. Self-storage facilities shall not be used to store flammable, perishable, or hazardous materials, or for the keeping of animals.

- f. All lighting on the property shall be installed and arranged in such a way that no lighting shines directly on any adjacent residential districts.

Section 4. Amend the Use Chart at the end of the Zoning Ordinance under the “Storage” section as follows:

Blank P SP CU D	Not Permitted Permitted Site Plan Review Conditional Use See Definitions Section	R-1 Zone	R-2 Zone	R-3 Zone	DC Zone	HC Zone	M	Open Space
STORAGE								
Builder Contractor Yards							P	
Indoor Storage Facilities as Accessory Use					<u>P</u>	P		
<u>Public Storage Facility</u>						<u>P</u>		
Warehouses						P	P	
Wholesale Storage, Warehousing, and Distribution Centers						CU	P	

Section 5. Effective Date.

This Ordinance shall take effect immediately upon its adoption by the Town Council.

Synopsis

This ordinance allows public storage facilities as permitted uses subject to certain requirements within the Highway Commercial District and this ordinance also amends the Use Chart at the end of the Zoning Ordinance to reflect that a public storage facility is a permitted use in the Highway Commercial District and to correct an oversight in Ordinance A-1 which failed to identify in the aforementioned Use Chart an indoor storage facility as a permitted accessory use within the Downtown Commercial District. This ordinance also removes a self-storage facility as a conditional use in the Downtown Commercial District and removes “self-storage facility” as a defined term in the Zoning Ordinance.

This shall certify that this is a true and correct copy of the ordinance duly adopted by the Town Council of the Town of Greenwood at a duly noticed and convened meeting at which a quorum was present on _____, 2022.

Attest: _____

So Certifies: _____

SECTION 2

GENERAL INFORMATION

This handbook is NOT a contract. No contract of employment with the Town of Greenwood will be valid unless it is signed in accordance with proper procedures by a authorized representative of the Council of the Town of Greenwood AND unless it is signed by and contains the name of the employee who would be benefited by the contract.

The policies and benefit offerings outlined in this handbook are subject to change at any time, without notice. Changes may be made at the sole discretion the Town of Greenwood. Any changes thereto supercede any prior written, verbal or implied policies.

Purpose

This handbook outlines the employment policies of the Town of Greenwood. The policies will inform employees of their benefits and responsibilities of their employment. The Town of Greenwood has developed these policies for the purpose of promoting fair and consistent practices by managers and employees.

The Town of Greenwood's employment practices policies will apply equally to all employees, unless exempted by law, contract or the terms of a policy. Where federal or state laws or regulations supersede the Town of Greenwood policies, employees will be instructed to observe the requirements of these state and federal laws.

This handbook provides a summary of the employment policies of the Town of Greenwood. Employment practices policies, in their complete form, are available in Human Resources. Copies have been given to employees at orientation.

Employment-At-Will

The Town of Greenwood employment practices operate under the legal doctrine known as "employment at will". Within state and federal employment law, Town of Greenwood has the right to terminate an employee at any time and for any reason, with or without notice, except that the Town of Greenwood will comply with any applicable state and

federal legal requirements requiring notice and an opportunity to be heard in the event of discipline or dismissal. The Town of Greenwood will attempt to ensure that employee terminations are not made in an arbitrary or capricious manner. However, this handbook and the personnel policies referenced do not constitute or imply a contract, agreement, promise or guarantee of employment or continued employment. The Town of Greenwood also reserves the right to change these policies at any time and without prior notice to employees; provided, however, that the policy of at-will employment cannot be changed or modified except in a written agreement signed by either the Mayor or the Town Manager.

Equal Employment Opportunity

It is the policy of the Town of Greenwood to provide equal employment opportunity to employees and applicants for employment without regard to race, creed, religion, color, sex, age, national origin, sexual orientation, gender identity, disability, reproductive health decisions, genetic information, family responsibilities, military status, status as a victim of domestic violence, a sexual offense, or stalking, or any other classification protected under applicable law.

Equal employment opportunity applies to all terms, conditions and privileges of employment, including hiring, probation, training, promotion, transfer, compensation, benefits and assistance, layoff, recall, employee facilities, discharge, and retirement.

Any employee who feels that he or she has been subjected to any violation of the Equal Employment Opportunity policy should report the matter to the Practice using the reporting procedure described in the Workplace Discrimination and Anti-Harassment Policy appearing below.

As part of its commitment to ensuring equal employment opportunities, the Town of Greenwood will provide reasonable accommodations to qualified individuals with disabilities to enable them to perform the essential functions of their jobs or to enjoy the equal benefits and privileges of employment. An employee with a disability may request an accommodation from the Town and engage in an informal process to clarify what the employee needs and to identify possible accommodations. If requested, the employee is responsible for providing medical documentation regarding the disability and possible accommodations. All information obtained concerning the medical condition or history of an applicant or employee will be treated as confidential information, maintained in separate medical files, and disclosed only as permitted by law

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For purposes of this policy, a disability includes an employee's disability caused or contributed to by pregnancy. Disabilities caused or contributed to by pregnancy shall be considered temporary disabilities and shall be treated as such under any applicable insurance or sick leave plan. Reasonable accommodation due to a pregnancy related disability may include changing an employee's job duties, work hours, or work area, providing mechanical or electrical aids, transfer to a less strenuous position or providing

unpaid leave, provided the accommodations do not pose an undue hardship on the company.

Workplace Discrimination and Anti-Harassment

The Town of Greenwood policy prohibits any employee acts of discrimination or harassment. ~~The use of racial or ethnic jokes or derogatory remarks will not be tolerated, will be investigated, and disciplinary action will be taken, if warranted.~~

~~Furthermore, any type of retaliation for reporting discrimination is prohibited will be investigated, and disciplinary action will be taken, if warranted.~~

The Town of Greenwood is committed to a work environment in which all individuals are treated with respect and dignity, and are free from harassment. Therefore, the Town expects that all relationships among employees will be business-like and free of bias, prejudice and harassment.

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It is the policy of the Town of Greenwood to prohibit any harassment on the basis of race, creed, religion, color, sex, age, national origin, sexual orientation, gender identity, disability, reproductive health decisions, genetic information, family responsibilities, military status, status as a victim of domestic violence, a sexual offense, or stalking, or any other classification protected under applicable law.

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The Town of Greenwood encourages reporting of all incidents of discrimination or harassment. It is the policy of the Town to promptly and thoroughly investigate such reports. The Practice prohibits retaliation against any individual who reports discrimination or harassment or who participates in an investigation of such reports.

Definitions of Harassment

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For the purposes of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example: a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include:

- a) unwanted sexual advances or requests for sexual favors;
- b) sexual jokes and innuendo;
- c) verbal abuse of a sexual nature;
- d) commentary about an individual's body, sexual prowess or sexual deficiencies;

- e) leering, whistling or touching; insulting or obscene comments or gestures;
- f) display in the workplace of sexually suggestive objects or pictures;
- g) and other physical, verbal or visual conduct of a sexual nature.

Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, creed, religion, color, sex, age, national origin, sexual orientation, gender identity, disability, reproductive health decisions, genetic information, military status or any other classification protected under applicable law, and that a) has the purpose or effect of creating an intimidating, hostile or offensive work environment; b) has the purpose or effect of unreasonably interfering with an individual's work performance; or c) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group and that is circulated in the workplace, whether on Practice time or using Practice equipment via e-mail, phone (including voice messages), text messages, tweets, blogs, social networking sites or other means.

Individuals and Conduct Covered

These policies apply to all applicants and employees, whether related to conduct engaged in by fellow employees or someone not directly connected to the Town of Greenwood (e.g., an outside vendor or consultant).

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, meetings and Town-related social events.

Complaint Process

If an employee feels that he or she is a victim of conduct of the type listed above or of any type of harassment or discrimination, or feels that he or she has witnessed an incident of harassment or discrimination, by any officer, manager, employee, client, or any other person doing business with the Town of Greenwood, he or she should immediately bring the attention of the Town Manager. If the Town Manager is the subject of the report, the report should be brought to the attention of the Mayor. It is very important that problems of this type be brought to the attention of the Town as promptly as possible.

The Town of Greenwood encourages the prompt reporting of complaints or concerns so that rapid and constructive action can be taken before relationships become irreparably strained. Any reported allegations of harassment, discrimination or retaliation will be investigated promptly. The investigation may include confidential individual interviews

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Commented [SDM2]: I geerally recommend identifying a particular individual to whom reports should be made rather than directing employees to report incidents to their individual supervisor (since that usually results in more consistent treatment while also ensuring that the issues are reported to someone with the experience/training to handle the issue. If the Town has a human resources manager, it may make sene to substitute that job title for Town Manager in this section.

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with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action.

Retaliation Prohibited

Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action up to and including termination of employment. Acts of retaliation should be reported immediately and will be promptly investigated and addressed.

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Offensive Behavior

~~Any employee who engages in harassment on the basis of race, sex, religion, color, age, disability, national origin or sexual orientation; who permits employees under his/her supervision to engage in such harassment; or who retaliates or permits retaliation against an employee who reports such harassment is guilty of misconduct and shall be subject to remedial action which may include the imposition of discipline or termination of employment.~~

~~Sexual harassment is prohibited and includes any unwelcome sexual advance, request for sexual favor and other verbal or physical conduct of a sexual nature when:~~

- ~~◆ submission to such conduct is made, either explicitly or implicitly, as a term or condition of employment;~~
- ~~◆ submission to or rejection of such conduct is used as a factor in any employment decision affecting any individual ; or~~
- ~~◆ such conduct has the purpose or effect of unreasonably interfering with any employee's work performance or creating an intimidating, hostile or offensive working environment.~~

~~If you believe you have been a victim of harassment, take the following steps:~~

- ~~◆ discuss the matter with your supervisor or manager,~~
- ~~◆ if you believe that your supervisor or manager is the source or a party to the harassment, talk to any other supervisor or manager or to the Human Resources Director.~~

~~The Town of Greenwood will investigate and attempt to resolve your complaint promptly. If, for any reason, you believe this has not occurred within a reasonable~~

period of time, refer the matter to any other supervisor or manager, up to and including the Town Manager.

Conflicts of Interest

Employees may not enter into dealings or financial interests in contracts and services performed by Town of Greenwood. This includes deriving any direct or indirect profit resulting from the sale, service, contracting or purchases made on behalf of the Town of Greenwood.

Town employees may not accept financial benefits that would reasonably tend to influence decisions or encourage that employee to disclose confidential city business. Any offers of money, services, benefits, favors or other possible conflicts should be discussed with supervisors and/or city legal counsel.

Employees are protected from requirements, whether real or implied, to contribute time or money to any person or party. Soliciting political party campaign contributions, promoting fund-raising drives and even encouraging subordinates and colleagues to contribute to community non-profit organizations are prohibited activities. Violators will be subject to disciplinary procedures.

Town employees, with the exception of elected officials, are not allowed to participate in political activities while working for the Town of Greenwood. No city property such as equipment, buildings or vehicles can be used to display campaign materials and may not be used for any other political activity.

Drugs and Alcohol

The Town of Greenwood has implemented a Drug-Free Workplace policy and program. This includes the prohibition of possession or distribution of any controlled substance or alcoholic beverage at work, or while in a position representing the Town of Greenwood business. Violation will result in disciplinary action, up to and including termination.

It is also a violation of policy for an employee to illegally use prescription drugs or to report to work under the influence of illegal controlled substances and/or alcohol.

The Drug-Free Workplace policy is distributed during new employee orientation, and again when any changes in the policy take place. The policy outlines the disciplinary action taken when employees violate Town of Greenwood's standard. The Town of Greenwood's program provides information about the risks of illegal drug use and alcohol use in the workplace, as well as information about counseling and treatment.

Testing for the Town of Greenwood employees includes pre-employment testing, post-accident testing and reasonable suspicion. Those employees operating vehicles may also be subject to random alcohol and drug testing.

Safety and Health

The Town of Greenwood requires employees to conduct job tasks safely to protect themselves and others at work. Every accident, near-miss, or injury needs to be reported to a supervisor immediately. The supervisor or manager of the department will file an incident report, first report of injury, and/or incident investigation report, as appropriate.

In the case of an injury requiring medical attention, employees should seek the nearest medical facility in case of serious injury. In other cases, the injured employee should seek medical attention using the Town of Greenwood's preferred workers compensation health provider list. Upon return to work, a physician's statement of medical condition and release to return to work must be submitted to the Town Manager's office.

If a workplace injury requires long term medical attention, the injured employee will work with the supervisor and the Town Manager's office to decide on return to work, light duty job opportunities, and eligibility for continuing employment. In the case of permanent disability due to job injury, a final release and settlement will may be arranged, if appropriate based on the circumstances.

Criminal Conduct

Employees will not engage in any criminal conduct or conduct which, even though not criminal, may reflect adversely upon the Town of Greenwood or its officials. Activity of this nature will result in disciplinary action, up to and including termination.

Equipment and Property

Employees are provided adequate tools, equipment, and vehicles to perform their job. It is the responsibility of employees to use them safely and to cooperate in the maintenance of equipment owned by the Town of Greenwood. Any employee operating a Town of Greenwood vehicle is required to have a current state driver's license. When using a personal vehicle for conducting Town of Greenwood business, the employee must provide proof of personal automobile liability coverage.

Any accident involving a Town of Greenwood vehicle or a personal vehicle while conducting Town of Greenwood business, the accident must be reported immediately to the appropriate law enforcement agency and to the employee's supervisor.

RECRUITMENT, HIRING AND EMPLOYMENT

Applications

Civilian employment applications will be accepted in the office of Town Manager and police officer application in the office of the Chief of Police. Applications received at times other than when direct solicitations are made for a particular position, will be kept on file in the office of Town Manager for a period of one year to be accessed by any Town of Greenwood department or function seeking an employee. Placement of a completed application in the Town Manager's file will not constitute application for any specifically advertised position and will not require further action by any elected official or Town of Greenwood administrative person.

Notice of Vacancies

All vacancies in Town of Greenwood will be announced in the following manner:

- i. advertising in a newspaper of general circulation in the Town of Greenwood area
- ii. posting on the public "Bulletin Board" in the Town Hall

Mailings or solicitations to local employment agencies may also be used. The employment application solicitation process will also include a recruiting effort which may extend beyond the Town of Greenwood when deemed necessary to obtain applications from individuals with necessary technical skills or other specialized qualifications.

Ethics in Employment

No person will be employed by Town of Greenwood when that employment would result in a violation of the ethics in government provisions found in Town of Greenwood. Any such appointment may be voided by the Town Council if not done voluntarily by the hiring department.

No hiring authority may appoint or vote for the appointment of his/her father, mother, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law to any position within the same department.

No person will be hired if such hiring would result in a direct or indirect supervision conflict due to a relationship between the prospective employee and a supervisor which falls within any relationships described in the two paragraphs above.

Employment Testing

Tests for job applicants will be limited to skills or performance testing, to determine the level of competence or ability to perform certain tasks associated with the job being sought. An applicant will be disqualified from consideration for employment in a position if he or she does not meet the job qualifications for that position.

For employees required to drive or operate equipment, which requires a driver's license, driving records and license validity will be checked.

Verification of Work Eligibility

The employing department is responsible for verifying the applicant's employment experience, education, and skills before extending a job offer to the applicant.

By federal law, each new employee must, within the first three days of employment, complete and sign an USCIS Form I-9, and show proof of identity and eligibility. The new applicant must have also completed a W-4 form, insurance forms, insurance information about dependents, the employee acknowledgement from Employee Handbook and any other necessary employee benefit forms.

If the applicant knowingly makes a false statement on the application form; cannot legal hold the position; offers money, service, or anything of value to win favor during the application process he or she may be disqualified. Finally, if the prospective employee does not meet the physical requirements when tested; or has not provided proof of citizenship or legal work status within the first three days of employment, they may be disqualified.

Orientation

The Town Manager's office provides general orientation about Town of Greenwood and the benefits of employment. Each employee will receive a copy of the Employee Handbook and any applicable workplace rules. It is the responsibility of the employee to read and gain an understanding of the handbook and work rules. The employee will acknowledge receipt of the handbook; periodic updates will also be acknowledged.

In most cases, actual job duty orientation and training will be given within the specific department in which he or she will work.

Employment Classification

Full-time regular employment consists of at least 40 hours of work each week. This group includes both exempt and non-exempt classifications. Regular full-time employees are eligible for Town of Greenwood benefits.

Part-time regular employees are those whose work hours are regularly scheduled for 30 or more hours per week, but fewer than 40 per week. They are eligible to receive reduced employee benefits in accordance with policies adopted by the Town of Greenwood. The scope of benefits received may vary proportionately with the number of hours typically scheduled for a part-time regular employee. Certain benefits will not be available to part-time regular employees.

Hourly employees are those whose work schedule is, typically, fewer than 30 hours per week. Hourly employees will not receive the benefits provided to regular employees, except those required by law (e.g. Social Security, workers compensation). Hourly employees are not entitled to sick leave, vacation pay or holiday pay.

Temporary full-time and temporary part-time employees are those hired for a period of less than six months. Full-time or part-time temporary employees may be exempt or non-exempt, but are only eligible to receive benefits mandated by law (e.g. Social Security, workers compensation).

Probation Period

New employees or those that are promoted or transferred to another work group will serve a six-month probation period. Any significant time, totaling more than five days, the employee is absent during this period extends the probationary period for the amount of time missed. Accumulated leave will not be paid to employees resigning or terminated during the first six months of employment. Completion of the probationary period does not alter the at-will nature of employment.

EMPLOYEE CONDUCT

Work Standards

Every employee must remember that the Town of Greenwood is a tax-supported entity and the citizens of Town of Greenwood paying those taxes should receive the best possible quality and highest standard of service possible. Public employees should act in a professional manner, using good judgement and courtesy at all times, and should avoid any type of behavior that would even appear illegal or unethical. Employees should carry out their work efficiently, honestly and with the intention of keeping good relationships with the public.

Individual employees must be responsible to their supervisor. Work directions and results, measurement of performance and handling grievances are the responsibility of the supervisor.

Occasionally, a manager, other than their direct supervisor, may give employees directions. In these instances, it is the employee's responsibility to inform the supervisor of the situation.

Communication with the public about Town issues is the responsibility of the Town Manager. Any controversial or unusual request or question from the public must be referred to that official. Unless authorized to do so, employees should not make

statements on behalf of the Town. Notwithstanding the foregoing, the Chief of Police may make press releases concerning arrests and police raids.

Workplace Conduct and Disciplinary Procedures

All employees are expected to contribute to a positive work environment. Behaviors which are considered by the Town of Greenwood to be inappropriate may lead to discipline up to and including termination. As an employee at will, your employment may be terminated by the Town at any time for any reason, including termination based upon inappropriate conduct. Although it is not possible to list all the forms of behavior that are considered unacceptable in the workplace, the following are examples of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment:

1. Malicious or willful destruction or damage to Town property or supplies, or to the property of another employee, client, or visitor.
2. Stealing, embezzling, or removing without permission Town property or the property of another employee, client, or visitor, or attempts to steal, embezzle, or remove.
3. Obtaining your job by lying or giving false or misleading information; falsifying any employment documents or records, including your or a coworker's time records; and other acts of dishonesty.
4. Bringing or possessing firearms, weapons, or other hazardous or dangerous devices or substances onto Town property without proper authorization.
5. Possession, use, or sale of alcoholic beverages or illegal drugs on Town property, or reporting for duty under the influence of alcohol or illegal drugs.
6. Failure to properly and timely complete assigned tasks.
7. Fighting on Practice or client property.
8. Gambling while on Practice or client premises or business.
9. Punching in or out for another employee or misrepresenting your hours worked.
10. Failure to follow Practice procedures for protecting the confidentiality of the Practice's confidential financial information, patient information, or other non-public proprietary Practice information.
11. Absence from work for two or more consecutive scheduled workdays without notifying the Practice.

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12. Unsatisfactory job performance.

13. Not following a work or safety rule.

14. Tardiness or excessive absence from work or your work area, including taking too long for lunch and break periods.

15. Leaving Practice or clients' premises or your job for non-work-related business or personal reasons during working hours without notifying your supervisor.

16. Horseplay or any other action that is dangerous to others or to Practice or client property, or that disrupts work.

17. Working unauthorized overtime.

18. Carelessness or negligence in doing your job.

19. Unauthorized use of the property of the Practice, an employee, an independent contractor, or a client.

20. Sleeping while on duty.

21. Excessive absenteeism.

22. Working off-the-clock.

The Town of Greenwood may initiate disciplinary action to address poor performance or conduct that violates the Town's policies or standards of conduct. Such discipline may include termination of employment; however, the Town may utilize one or more the following disciplinary actions depending upon the circumstances at issue:

1. ORAL REMINDER/COACHING SESSION - An Oral Reminder may be the first step in the disciplinary process wherein a performance issue is brought to the employee's attention, and the supervisor communicates with the employee about ways to solve the problem and establishes a date when they will meet again to insure that progress is being made in resolution of the problem. The Oral Reminder will be documented and placed in the employee's file.
2. WRITTEN WARNING/PERFORMANCE IMPROVEMENT PLAN- The written warning or Performance Improvement Plan (PIP) is generally issued for serious rule violations or continued occurrences of violations or substandard job performance for which an oral reminder has been issued. Written warning and PIP's will become a part of the employee's file.

3. FINAL WRITTEN WARNING/SUSPENSION – This is generally the final step of the disciplinary process before termination, or may be issued for a serious performance problem or rule violation even without prior disciplinary action. Further performance problems or rule violations may be cause for termination. Due to the serious nature of a Final Written Warning, an employee may also be placed on a disciplinary suspension as a result of the misconduct associated with the written warning.
4. TERMINATION – Termination without prior disciplinary action may occur for many reasons including poor work performance and/or violation of the Town's policies. While other disciplinary actions may be imposed, termination may be the immediate result of a serious violation of rules.

Nothing in this policy shall be construed as altering the Town of Greenwood's policy of at-will employment.

Timeliness

Employees are to report for work on time and to be punctual for appointments and meetings. Furthermore, work is to be completed at the time it is due. Frequent tardiness can result in disciplinary action or termination.

Attendance

If an employee is going to be absent, he/she must report that absence within the first 15 minutes of the scheduled start time, except for Police Officers who must inform their supervisor two (2) hours prior to the start of their shift. Failure to report, other than in an emergency situation may result in disciplinary action. Unexcused absences can lead to discipline or termination.

Appearance

Citizens observe employees of Town of Greenwood often in the course of their work. As Town of Greenwood's representatives, employees are asked to meet high standards both in the quality of their work and in presenting a professional image to the public. While there is not a formal dress code, employees are expected to maintain good physical grooming, have a neat and clean appearance, and display a pleasant disposition to citizens and colleagues.

Uniforms may be required for certain Town of Greenwood jobs. Employees will be responsible to keep their uniforms clean and neat.

Gifts and Gratuities

Town of Greenwood employees and officers are not allowed to receive gifts or gratuities in any personal or professional capacity that could even create the impression that the giver was seeking favor or trying to influence an opinion or a judgement from the employee or official.

Communications and Telecommunications

Any communication with the public is the responsibility of Town of Greenwood management or the person designated for that communication. Any non-routine or controversial questions or those out of the scope of the employee's job duties should be referred to the person designated to communicate on behalf of Town of Greenwood.

Town of Greenwood telephones are to be used for Town of Greenwood business. Personal calls should be limited both in frequency and length of the call. Long distance personal calls are not allowed, except in particular situations, which should have approval of the manager or supervisor.

Technology and Social Media Usage

1. Purpose. The Town of Greenwood recognizes the ever increasing importance of the effective use of technology in the day-to-day operations of the town. As the town becomes more technologically advanced, the need for policies and procedures regulating employees' use of technology owned and operated by the town increases. These policies and procedures are intended to establish and clarify procedures and acceptable uses of town-owned technology by employees. Violations of this policy are grounds for employee discipline, up to and including dismissal, as outlined in the Town of Greenwood Employee Handbook,
2. Definitions.
 - a. "Town-owned technology" includes, but is not limited to, all computer equipment and software owned or leased to the town, land line telephones and cell phones paid for by the town, websites, internet services paid for by the town, emails, text messages, files, internet browsing history, and all information transmitted or stored through the town's network or equipment.
 - b. "Social media" includes, but it not limited to, Facebook, Twitter, LinkedIn, Instagram, blogs, social networking sites, and all other applications or websites of a similar nature and use.
3. Town-owned Technology Usage. Town-owned technology is provided by the town for purposes of enhancing employee efficiency and performance in carrying out the town's business operations and is property of the town. Except as

authorized by the town manager in emergency situations, employees are prohibited from using town-owned technology for any purposes not related to the town's business operations, irrespective of whether the usage occurs before, during, or after an employee's scheduled working hours. By way of further clarification, employees are prohibited from using town-owned technology for inappropriate uses, including, but not limited to the following:

- a. Accessing or using social media;
- b. Using town-owned technology in violation of any town policy, including the Offensive Behavior Policy, Workplace Discrimination and Anti-Harassment Policy;
- c. Using town-owned technology to create, send, or receive messages, pictures or computer files which are fraudulent, illegal, pornographic, obscene, sexually suggestive, insulting, sexist, racist, discriminatory, or harassing;
- d. Using town-owned technology to conduct illegal activities;
- e. Loading software which is not approved in advance by management;
- f. Making illegal copies of licensed software; and/or
- g. Using software that is designed to destroy data, provide unauthorized access to town-owned technology, or which would disrupt the usage of town-owned technology in any way.

4. Use of Town Website and Social Media by Town. The Town of Greenwood website and any social media sites hosted by the town shall be maintained and updated by the town manager and/or his or her designated web administrator. All information posted by the town to the town website or social media shall receive prior approval by the town manager and/or the web administrator.
5. Use of Social Media by Employees. Employees are prohibited from accessing or using social media during working hours, irrespective of whether such usage occurs via town-owned technology or personal technology devices (e.g. cell phones, tablets, laptops, etc.). Employees may use social media during lunch breaks or any other breaks sanctioned and approved by the town provided that town-owned technology is not used.
6. No Privacy Expectation; Monitoring. Employees have no expectation of privacy, confidentiality, or ownership in town-owned technology. Employees have no expectation of privacy or confidentiality in social media located in the public domain. The town may audit and monitor town-owned technology used by an employee, and any social media used by an employee located in the public domain, based on a reasonable suspicion of a violation of this policy or based on any other legitimate work related rationale. All employees are under an obligation to report to the town manager any violations of this policy. If an audit may uncover or involve confidential information related to police investigations, the Town Council shall appoint an individual with the proper authority and clearance to perform the audit. To whatever extent applicable, audits involving members of

the Greenwood Police Department shall be conducted pursuant to 11 Del. C. Ch. 92 (Law-Enforcement Officers' Bill of Rights).

Smoking

Town of Greenwood is committed to providing a safe and healthy work place and prohibits smoking in Town of Greenwood facilities and vehicles.

COMPENSATION POLICIES

Establishment of Pay System

Town of Greenwood compensates employees in accordance with decisions by the Town Council as budgets are set. Pay for any given position is subject to the annual budgetary process and, as such, may be subject to increase, reduction, or status quo maintenance for any time period. The Town Manager may make suggestions about salary compensation and other pay system concerns but the final decision regarding compensation levels rests with the Town Council of the Town of Greenwood.

Compliance with State and Federal Pay Acts

The Town of Greenwood will comply with all-any applicable state and Federal pay acts respecting the compensation of employees for services performed.

Right to Change Compensation

The Town of Greenwood reserves the right to change compensation for any reason deemed appropriate by the Town Council. Compensation may also be adjusted based upon job performance and the availability of funds to maintain a solvent Town of Greenwood budget.

Pay Schedule

Employees are paid on a weekly basis throughout the year. Paychecks are issued by the office of the Town Manager. Paychecks compensate employees for work performed in the pay period week immediately proceeding the week-day that the check is issued. Paychecks are distributed at the workplace prior to 5:00 p.m. on payday.

Payroll Deductions

No payroll deduction will be made from an employee paycheck unless authorized by the employee or required by law. Employees are required to report changes in family status,

address or other information that could affect amount of deductions withheld. These include Social Security and income taxes, retirement system contributions, court-ordered child support, and any other deductions required by law. Additionally, deductions may be authorized for employee contributions to health and dental insurance, supplemental insurance and deferred compensation plans requested by the employee.

If you are classified as an exempt salaried employee, you will receive a salary which is intended to compensate you for all hours you may work for the Town of Greenwood. While the salary may be subject to review and modification from time to time, the salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work you perform. If you believe you have been subject to any improper deductions, you should immediately report the matter to your supervisor. If the supervisor is unavailable or if you believe it would be inappropriate to contact that person (or if you have not received a prompt and fully acceptable reply), you should immediately contact your manager or the Town Manager. Any such issues will be promptly reviewed; in the event that it is determined that a deduction was improperly made, the amount shall be promptly restored.

Reporting Hours Worked

It is the responsibility of for those employees who are required to maintain a time sheet, to properly record the time that he/she has worked during a payroll period. At the end of the reporting period, the employee will sign the time sheet, verifying its accuracy. The supervisor will counter-sign the time sheet, indicating that the hours claimed were actually worked.

Work Periods

The work week for all regular employees who complete time sheets will begin at 12:01 a.m. on Sunday of each week and conclude at 12:00 ~~a.m.p.m.~~ of the succeeding Sunday. For these all non-exempt employees, if hours actually worked exceed 40 in a workweek, premium compensation will be paid. Overtime will be allowed only when authorized by an appropriate supervisor or when absolutely necessary in an emergency.

Overtime Compensation and Compensatory Time Policy

Overtime work must be approved or when absolutely necessary in emergencies or special conditions. Overtime is the hours worked by an employee in excess of the allowable number of hours per day as written in the Fair Labor Standards Act (FSLA) and/or, in excess of generally 40 hours per week. Paid Time Off shall not be consider in determining whether an employee qualifies for Overtime Compensation. Overtime hours are paid at one and one-half times the usual hourly wage.

Certain employees are exempt from receiving overtime pay. They are expected, at times, to work extra hours. When the extra time is excessive and when agreed in

advance, compensation may be made at the discretion of the Town Manager within the budget limits set by Council. The Town Manager may only receive such payment with the approval of the Mayor within the budgets set by Council. Your supervisor will let you know if you are such an exempt employee.

On-The-Job Injuries

All on-the-job injuries must be reported to the Town Manager's office as soon as practicable to allow filing ~~of~~ worker's compensation claims in the proper manner. If an employee is disabled temporarily by an on-the-job accident, he/she is eligible for worker's compensation and will not be charged with any vacation or sick leave time while away from his/her position.

Expense Reimbursement

An employee will be reimbursed for expenses incurred in completing his/her work-related assignment in accord with the policies established by the Town of Greenwood. Each employee is responsible for providing verified receipts for any expense for which reimbursement is requested. Expenses must be approved in advance.

Promotions, Lateral Job Changes, and Demotions

Jobs are posted internally, allowing current employees five days to post for promotions or lateral transfers (changing to another job in the same pay class).

Promotions are those job changes that result in advancement to higher positions with greater responsibility. Salary increases are subject to approval by the department head, in accordance with approved budget limits.

Lateral job moves are changes to positions with the same level of pay. An employee taking a lateral transfer, whether by the employee's request or the manager's requirement, will retain the same amount of accrued leave and seniority. If the employee's current salary is in the approved salary range, they will not receive any reduction in pay as a result of a lateral move.

Demotions require an employee to change to a lower paid position with a lower level of job responsibility. The demotion may be the result of a disciplinary action, a job reclassification or unsatisfactory work performance.

The Town of Greenwood reserves the right to make decisions regarding job changes at its discretion.

EMPLOYEE BENEFITS

The Town of Greenwood provides certain benefits to eligible employees. The terms of those benefit plans, including eligibility requirements, are set forth in the applicable plan documents. To the extent any information contained in this handbook is inconsistent with the terms of a plan document, the terms of the plan document will be controlling. The Town reserves the right to modify or discontinue its benefit program offerings to the full extent permitted by applicable law.

Health, Dental, and Life Insurance

Employees working regular full-time hours (at least 40 hours per week) will be eligible to participate in the health, dental and life plans offered by Town of Greenwood.

Social Security

Town of Greenwood employees are covered by Social Security. Town of Greenwood contributes to the Social Security Program on behalf of employees.

Pension

Civilian Employees:

The Town of Greenwood also contributes 8% of gross earnings to a pension fund on behalf of regular full time civilian employees. The employee must participate in the pension system upon hiring. After \$2,000 accumulates at 8% of gross earnings, employees are fully vested in their investment fund. If employment with Town of Greenwood is terminated before retirement, employees continue to own their pension account. The funds placed in the pension fund by the Town of Greenwood are intended for the employee to purchase of an annuity at retirement, but the Town of Greenwood does not guarantee or warrant any performance of the investment fund. No withdrawal from the fund may be made by any employee while employed with the Town of Greenwood.

Police Employees:

Members of the Greenwood Police Department may elect to participate either: (a) in the Town's pension program for civilian employees or (b) (provided that they qualify for coverage under the terms of such statute and provided that the Town has opted, in accordance with 11 Del.C. 8805, to participate and has been accepted into such plan) in the Delaware County and Municipal Police/Firefighter Pension Plan available to such employees under 11 Del.C. Chapter 88, but not both.

In accordance with 11 Del.C. 8842 (as it may from time to time hereafter be amended, or in accordance with any future corresponding provision of law), the amount to be contributed by the Town to the County and Municipal Police/Firefighter Retirement Fund shall be the percentage of covered payroll approved by the Board on the basis of the

Commented [SDM3]: Please note that certain benefit plans - including many health insurance plans - define a 'full-time' employee for eligibility purposes as someone who works at least 30 hours per week. You may want to check your benefit plan documents to confirm that 40 hours per week is the appropriate number to use here.

most recent actuarial valuation and shall equal (i) the normal cost; plus (ii) adjustments for actuarial gains and losses or increases in benefits adopted on or subsequent to participation; plus (iii) administrative costs. [As of August 1st, 2009, the total amount that the Town is obligated to pay into the plan under Section 8842 is 13% of the employee's gross wages.] In addition, as required by 11 Del.C. 8844, the Town shall "pick up" and pay the contributions which would otherwise be payable by covered employees as a "pre-tax" payroll deduction from their paycheck under § 8841.

Anything to the contrary herein notwithstanding, the Town shall not be obligated to adopt any resolution to apply for participation in the state plan, or to contribute, or set aside and contribute at a later time, any amounts to the state pension plan, during any period of time when, by statute or resolution of the General Assembly, executive order, or policy of the State Pension Department, any stay, moratorium, or freeze on such contributions or on the acceptance of new participating municipalities is in effect.

Workers' Compensation

Employees are covered under the workers' compensation program, and the Town of Greenwood pays the premium for that program. Workers' compensation pays medical coverage and wage replacement for employees injured on the job.

Unemployment Compensation

Employees of Town of Greenwood, except for elected officials, are paid unemployment compensation benefits under the state program when the employee meets the requirements for unemployment compensation. The Town of Greenwood pays the cost of this benefit.

Education and Training

When the Town of Greenwood requires employees to participate in training programs, all training costs are paid or reimbursed by the Town of Greenwood. The time an employee spends away from work to attend the training program is considered work time. Authorization to attend professional seminars and certification courses are decided on a case-by-case basis by managers, within the constraints of the training and education budget.

LEAVE TIME

Work Leave Time

Leave time refers to normal working hours not worked by employees. It may be paid time or unpaid. Regular full-time city employees are eligible for paid holidays, vacation,

and sick leave, as well as some other types of leave time required by circumstances. Holidays are those designated days that Town of Greenwood offices are closed to business.

The employees' supervisor or manager must approve all leave time. Supervisors and managers keep copies of leave slips for time requested. Leave time is entered on each employee's time sheet for that period.

Unauthorized absence time is time away from work not authorized by the appropriate manager. Employees will not be paid for this type of absence; unauthorized absences may result in disciplinary action.

PAID TIME OFF

Holidays

Town of Greenwood pays a certain number of holidays each year, by policy. Holidays normally consist of New Year's Day; Good Friday; Memorial Day; Independence Day; Labor Day; [Veteran's Day](#); Thanksgiving and the day after Thanksgiving Day; Christmas day and Christmas Eve day.

Certain positions must work on the holidays. For positions requiring holiday hours, an alternate day can be taken during the pay period. If that is not feasible, the alternate day may be taken during the next two-week pay period, with the permission of the manager.

Vacation Leave

Employees are entitled to paid time off for vacation each year. After one year of employment, Town of Greenwood employees may take their accumulated leave time off. Prior to one year of service, time off approved by management will be charged against their paycheck. Vacation leave is paid according to hours accumulated per pay period.

On completion of the years of service indicated, annual vacation entitlements are as follows: 1 year – 2 weeks; 5 years – 3 weeks; 10 years – 4 weeks; 20 years – 5 weeks.

Employees are required to take vacations annually, but can carry over not more than one week accumulated vacation leave with approval of the Town Council. It is the responsibility of the employee to book vacation leave so that it is used in the year it is earned. Unused vacation leave is paid at termination or retirement at the current rate of salary.

Sick Leave

Commented [SDM4]: I am not clear on how this is intended to work.

Sick leave may be used, when it has accrued, if the employee misses work for personal illness, health care appointments or treatments, to care for members of his/her immediate family during illness or for health care appointments for immediate family members.

Sick leave accrues at one half day per pay month. An employee may use sick leave as it is accumulated (4 hours per month for full-time regular employees) even during the probationary period of employment.

Employees, when using sick leave for scheduled health care appointments, are required to notify their managers at least a day in advance of the requested sick leave.

A manager or department head may request that employees furnish a medical leave slip from their health care provider, for medical appointments, or when the sick leave extends beyond three days or the employee has missed more than five days of work for sickness within the calendar year.

Employees may accumulate up to 480 hours of sick leave (60 working days). At that point sick leave no longer accrues, until the balance of hours drops below the 480 hour maximum. Employees who have exhausted sick pay must take unpaid time from work, when authorized, and may request vacation or use other paid leave time they may have accrued. Employees leaving Town of Greenwood employment are not compensated for any accrued sick leave.

Time spent recuperating from an illness that strikes an employee while on vacation leave can be taken as sick leave, provided that employees furnish a medical leave slip from their health care provider. As soon as possible, the employee's vacation timesheet should be changed to reflect the hours claimed as sick leave.

Emergency or Bereavement Leave

Each employee is entitled, after six months of employment, in the case of a serious illness or death of an immediate family member, is eligible for three days of leave with pay (prorated for part time employees). For purposes of this type of leave, immediate family consists of the employee's spouse, children, parents, siblings, parents-in-law, grandparents, or grandchildren.

UNPAID TIME OFF

Military Leave, Voting, and Jury Duty

Full-time regular employees will be granted unpaid leave to participate in ordered and authorized field training under the National Defense Act, up to two weeks in a calendar year.

Individuals who are deployed for military service will be provided leave in accordance with applicable federal law.

A reasonable amount of time will be given employees to vote in public elections. Permission from the immediate supervisor should be requested before using time to vote. Employees are also eligible for leave with pay, subject to certain restrictions, if called for jury duty or to serve as a witness in court proceedings.

Commented [SDM5]: Are these restrictions spelled out in another document? If not, they should be identified here.

Volunteer Emergency Responders

The Town will provide unpaid leave in accordance with the Volunteer Emergency Responders Job Protection Act for those employees who are absent from work as a result of serving as a volunteer emergency responder in connection with (i) a Governor-declared state of emergency lasting up to 7 consecutive days, (ii) a President-declared national emergency lasting up to 14 consecutive days, or (iii) an injury sustained in connection with service during such an emergency. Employees will be required to provide documentation as to any such absences.

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Family and Medical Leave Act (FMLA)

In accordance with federal law, the Town of Greenwood, **only if and when required to do so by law**, will grant 12 weeks of unpaid leave of absence for employees (1) to care for a family member with a serious health condition, (2) because a serious health condition of an employee makes the employee unable to perform the functions of his or her job, or (3) in conjunction with the birth, adoption or foster placement of a child. This leave will be granted to any employee who has been employed by Town of Greenwood at least 12 months and has worked 1,250 hours within thethese 12 months immediately preceding the date of the leave.

The employee must give advance notice of 30 days for foreseeable events like planned medical treatment. For medical emergencies, the employee must give notice as promptly as possible.

Parenting leave begins at the time requested, but no later than six weeks after the birth or adoption, or when the child leaves the hospital, whichever is later.

Upon request for medical leave, Town of Greenwood will require certification of the condition from an appropriate health care provider. Depending upon the need which is certified, leave may be taken intermittently or on a reduced leave schedule.

Employees on FMLA leave may be required to take accrued vacation or sick leave concurrently.

INCLEMENT WEATHER POLICY

Whenever either the offices of Sussex County or the State of Delaware offices located in Sussex County are closed as a result of inclement weather (i.e. snow, hurricane, etc.), the business offices of the Town of Greenwood shall also be closed. Whenever either the offices of Sussex County or the State of Delaware offices located in Sussex County open late because of inclement weather, the business offices of the Town of Greenwood shall open at the same time as the earliest opening Sussex County or State of Delaware offices. Employees shall be paid at their regular rate of pay for any day the employee was regularly scheduled to work and the business offices of the Town of Greenwood were closed. Should an employee not report to work on a day the business offices of the Town of Greenwood are open and that employee was scheduled to work, the employee shall have the option to either use a vacation day pursuant to the policies outlined herein or elect to not be paid for the missed work day. This "Inclement Weather Policy" shall not pertain to the Greenwood Police Department.

EMPLOYEE PERSONNEL RECORDS

Personnel Files

In each employee's files, records regarding position, pay and other employee status actions will be retained. Other items that may be contained in the file are written notes of explanation, grievances filed, employee forms for taxes and retirement application. The file may also contain disciplinary actions, awards received, training records, and performance reviews. Access to the file is by appointment with the Town Manager or his designate. If the employee prefers, personal information such as phone and address can be omitted from the file. Employee medical records will be kept in a separate, confidential file in the Town Manager's office.

Leave Records

Records of leave accrual and leave taken are kept with payroll information in employee records. These records are updated with payroll information. Changes in leave requested or taken can be corrected on the time sheet or by notice to the human resources or payroll department.

EMPLOYEE DISCIPLINE

At-Will Employment

Since employees of Town of Greenwood are employed "at will" dismissal can take place at any time and for any reason, with or without notice. Discipline or dismissal may result

from such policy violations as insubordination, dangerous behavior or horseplay, felony or misdemeanor conviction, neglect of duty, drug or alcohol use, theft or unauthorized use of Town of Greenwood resources, falsification of documents, incompetence, or other actions that violate policies or disrupt the workplace.

~~Discipline is determined by supervisors and managers and may include a progressive discipline process. The progressive discipline process includes steps such as a verbal warning, written reprimand, suspension from duty, demotion, final warning, and separation by involuntary dismissal.~~

Commented [SDM6]: I deleted this language after inserting language relating to disciplinary action earlier in the handbook.

In the event of dismissal, the employee will be provided with such notice and any rights to be heard ~~to the extent as are~~ required by law.

Dispute Resolution / Grievances

Town of Greenwood wishes to prevent circumstances that lead to grievances. When a dispute occurs, it is to be resolved promptly. Employee will not face adverse consequences for filing a grievance. Grievances may be filed alleging unfair treatment, ~~discrimination~~, improper application of regulations and benefits of employment, and for improper working conditions.

Commented [SDM7]: There is a separate procedure specified for discrimination claims.

Informal grievance is the first step in the process, attempting to resolve the problem through an informal meeting with the supervisor. If this attempt to resolve the problem fails, a more formal grievance, in writing, should be filed. This formal grievance, signed by the employee, is presented to his/her supervisor within two weeks of the occurrence. The employee should include a statement regarding what action they are requesting be taken as a result of the grievance.

The responsible manager or supervisor will initiate an appropriate investigation and will take steps to resolve the grievance. The manager or supervisor should immediately notify the Town Manager of the grievance. All documentation should be held by the Town Manager. The employee may appeal to the Town Manager at any time during the process if dissatisfied with the resolution of the grievance. Failure to appeal will imply agreement with the resolution.

Separation From Employment

Separation usually results from resignation, retirement, layoff, termination, or death. If the reason is resignation, an employee is requested to give notice in writing at least two weeks before the last day of work. For separation due to retirement, more notice is requested. Layoff may occur if a position is eliminated or when there is a lack of funding or work. Termination can occur for any reason; however Town of Greenwood intends to work with employees, where possible/practicable in the Town's judgment, to avoid involuntary separation.

Payment for the employee separated because of resignation, retirement, layoff or death will be made on the next scheduled payday. In the event of involuntary separation, payment will be made as soon as practical but not later than the next scheduled payday. The final check will include vacation time as appropriate based upon the employee's vacation leave balance.

Insurance Continuation After Separation

The Consolidated Omnibus Reconciliation Act of 1985 (COBRA) permits employees leaving their employer to have the option of continuing some of their benefits (health insurance and dental insurance) at their own expense. A person employed by the Town of Greenwood, enrolled in the employee health plan, **if and when the Town is required by law to do so**, can choose to continue the insurance coverage if his/her position is lost due to reduction in hours or termination of employment. The spouse of an employee can choose to continue the coverage at his/her expense in the case of the death of the employee, termination of the employee, divorce or legal separation from spouse, or if the spouse qualifies for coverage by Medicare. Similar circumstances would permit the child of a separated employee to continue the coverage. Coverage may be continued for eighteen months, and in some circumstances, up to three years. The human resources department will be able to provide more information on the COBRA options for affected employees and dependents. Eligibility for COBRA continuation coverage is subject to eligibility criteria set forth under federal law.

APPENDICES

Commented [SDM8]: I would recommend attaching the following two documents as appendices to the handbook:

1. Delaware state law requires employers to provide an 'information sheet' to employees regarding sexual harassment. Making that a part of the handbook would allow for you to easily confirm that it has been distributed. The form is available at the following link:
<https://dhr.delaware.gov/personnel/neo/documents/sexual-harassment-notice.pdf>
2. The regulations governing the FMLA direct that employers provide a specific notice regarding FMLA rights as part of their employee handbook. That form is available at the following link:
<https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/fmlaen.pdf>

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